

ZB# 05-12

Eduardo Guerrero

77-1-20

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted June 27, 2005



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

September 20, 2005

**Eduardo & Elizabeth Guerrero
2818 Cherry Tree Way
New Windsor, NY 12553**

SUBJECT: REQUEST FOR VARIANCE #05-12

Dear Mr. & Mrs. Guerrero:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 77-1-20

In the Matter of the Application of

EDUARDO GUERRERO

**MEMORANDUM OF
DECISION GRANTING**

AREA

CASE #05-12

WHEREAS, EDUARDO GUERRERO, owner(s) of 2818 Cherry Tree Way, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 5 ft. Rear Yard Setback for proposed in-ground pool at 2818 Cherry Tree Way in an R-3 Zone (77-1-20)

WHEREAS, a public hearing was held on JUNE 27, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.
 - (b) The applicant requests a rear yard setback to put a proposed in-ground pool on the property.
 - (c) In putting in the pool, the applicant will not remove any trees or substantial vegetation.

- (d) The pool will not create the ponding or collection of water or divert the flow of water drainage.
- (e) The pool will be similar in size and appearance to other pools in the neighborhood.
- (f) The pool will not be on top of, nor will it interfere with, any easements including, but not limited to, water, sewer and electric easements.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

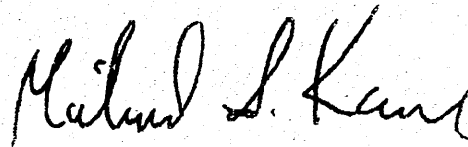
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 5 ft. Rear Yard Setback for proposed in-ground pool at 2818 Cherry Tree Way in an R-3 Zone (77-1-20) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: JUNE 27, 2005



Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 9/16/04

APPLICANT: Elizabeth & Eduardo Guerrero
2818 Cherry Tree Way
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Elizabeth & Eduardo Guerrero

LOCATED AT: 2818 Cherry Tree Way

ZONE: R-3 **Sec/Blk/ Lot:** 77-1-20

DESCRIPTION OF EXISTING SITE: Single Family Dwelling/Proposed in-ground pool

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-24 Such pool shall be located 10ft from the rear property line. Proposed pool will be 5ft from the rear property line. A variance of 5ft is required.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3 USE: *Inground Pool*

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 10ft

5ft

5ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of the inspections, it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be corrected before re-inspection.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plumbing plan. Building to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED
JUL 12 2004 SEP 10 2004
BUILDING DEPARTMENT
RECEIVED

SEP 10 2004
BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 1219

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises ELIZABETH + EDUARDO QUERRERO

Address 2818 CHERRY TREE WAY

917-662-4161
Phone # 1845-567-1448

Mailing Address SAME

Fax # _____

Name of Architect _____

Address _____

Phone _____

Name of Contractor Royal Pool (George Fotiadis Inc)

Address 27 Jay Street, New York, NY 10003
Phone 845-569-4622

State whether applicant is owner, lessee, agent, architect, engineer or builder

owner

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of Cataraque Ave
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 77 Block 1 Lot 20

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? NO

in-ground pool

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost

\$ 20,000

Fee

\$ 50.00

ZONING BOARD

PAID

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinance

date

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Kryshear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

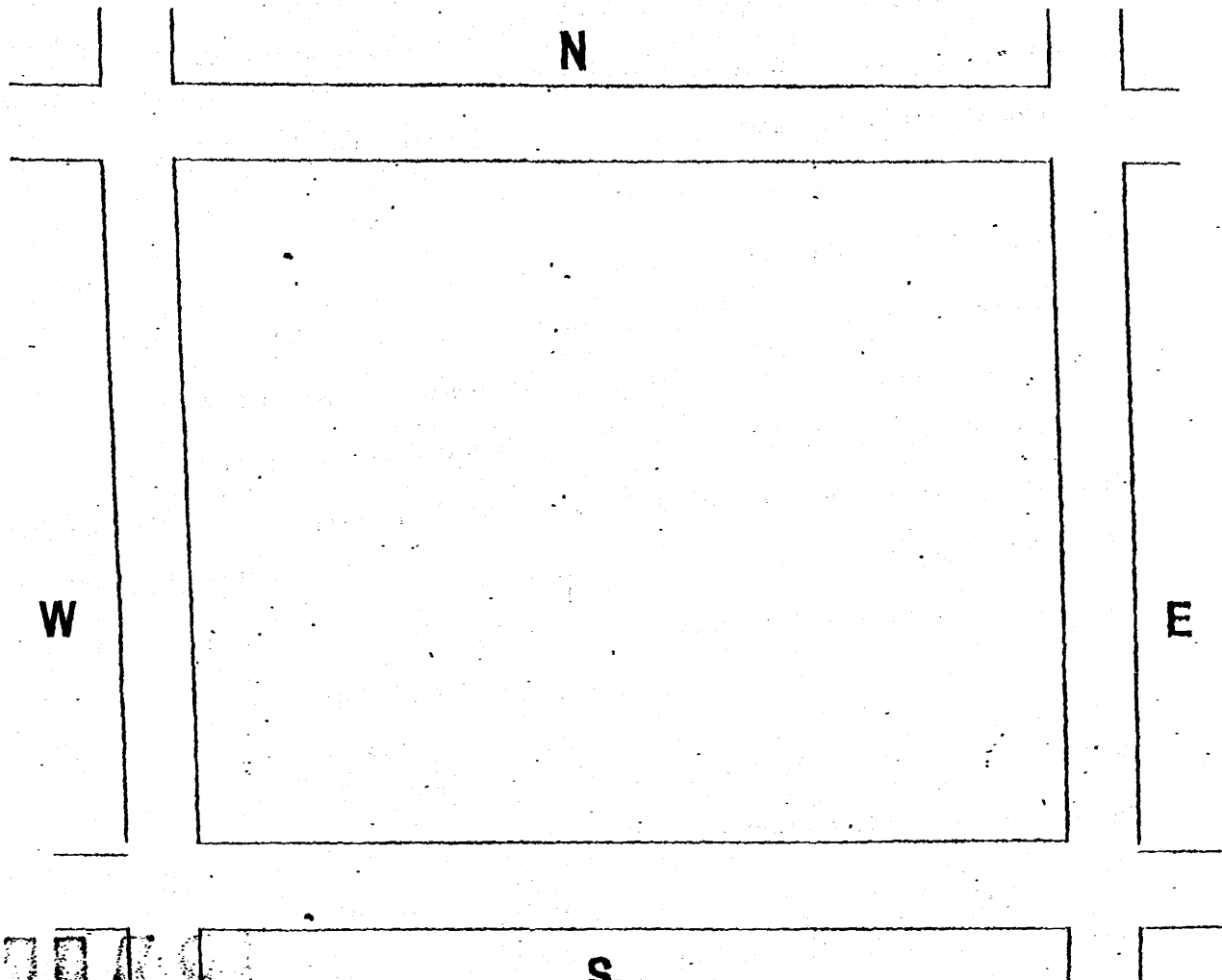
(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

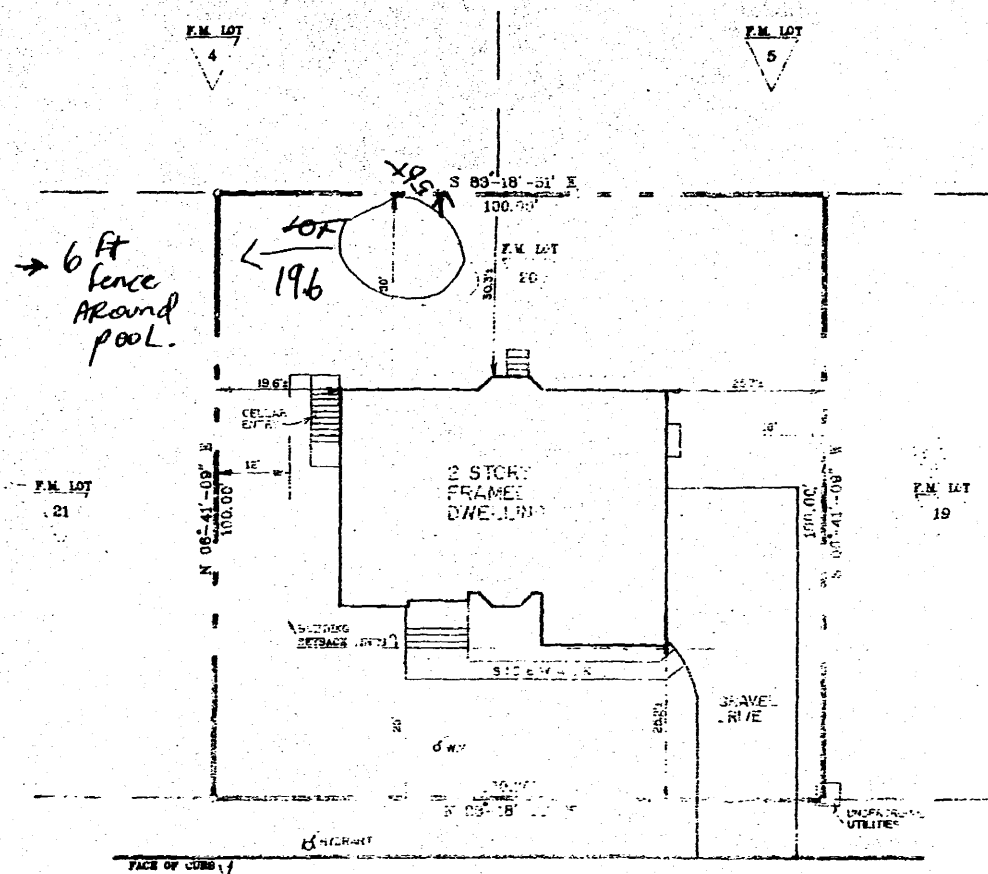
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



ZONING BOARD

IMPORTANT
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
YOUR CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake



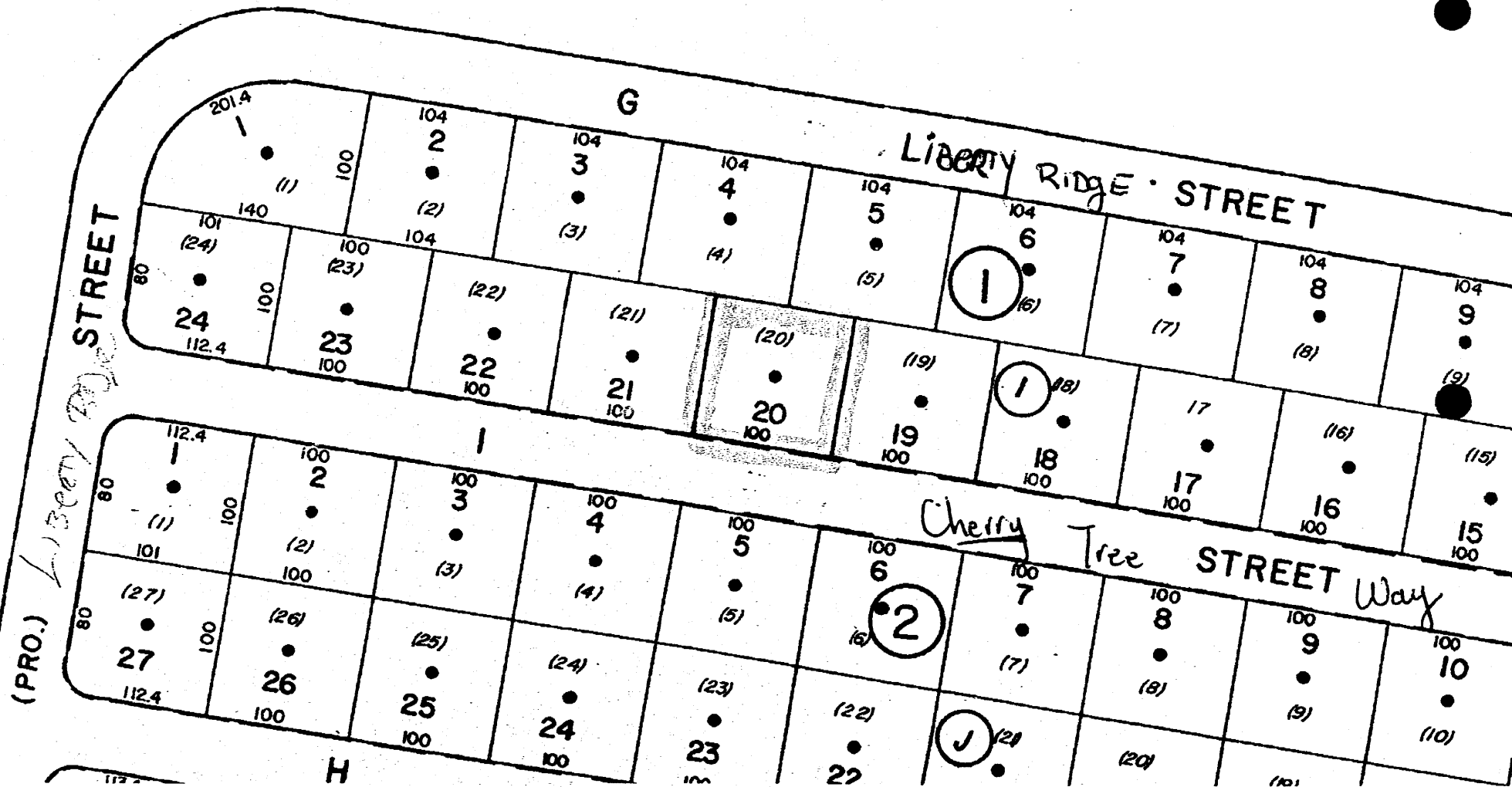
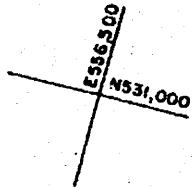
5 ft Variance needed
for pool

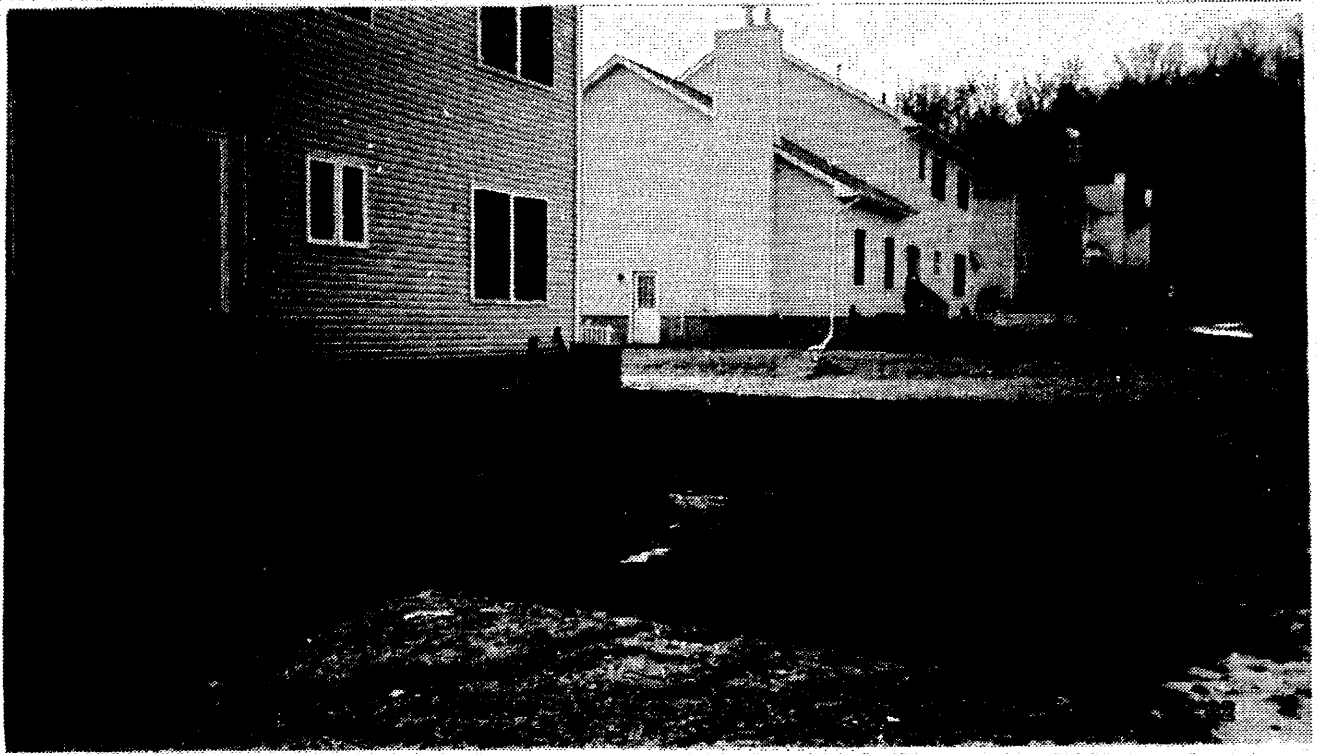
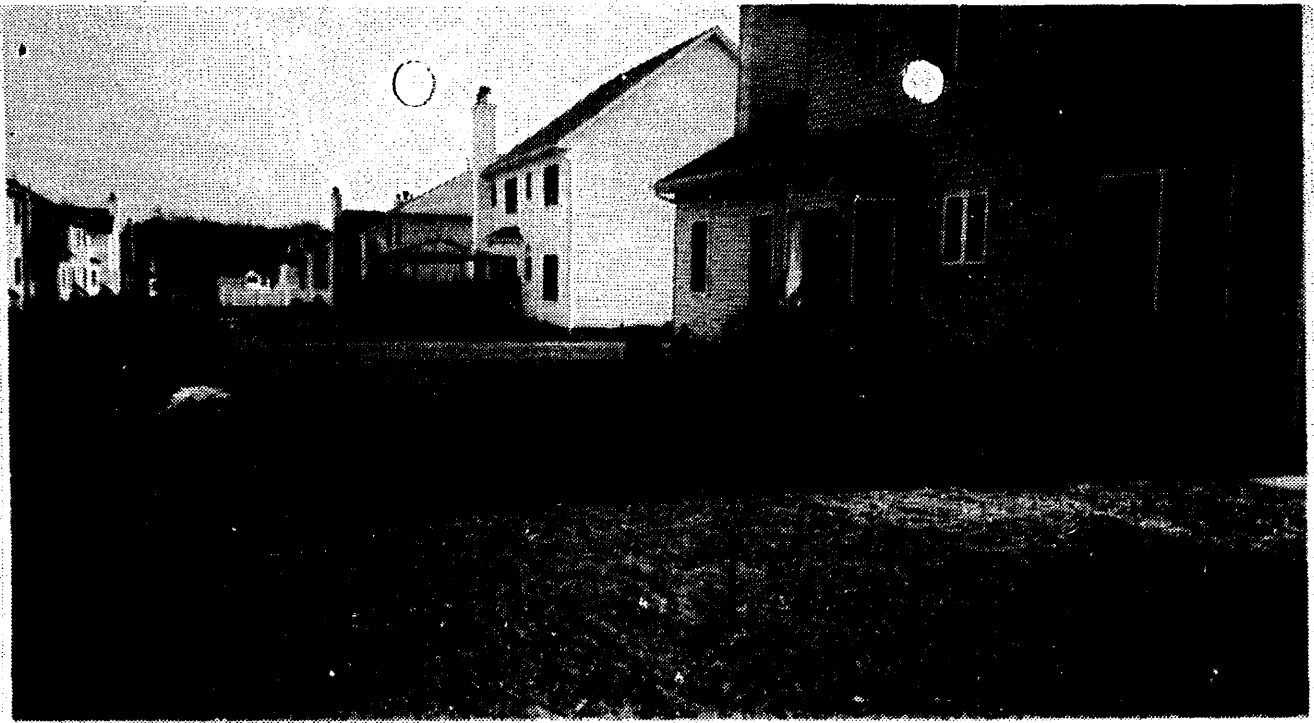
RECEIVED

SEP 10 2004

BUILDING DEPARTMENT

64







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O

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: AUGUST 24, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 150.25 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-12

NAME & ADDRESS:

**Eduardo & Elizabeth Guerrero
2818 Cherry Tree Way
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.8-24-05



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS



FILE #05-12 TYPE: AREA TELEPHONE: 567-1448

APPLICANT:

Eduardo & Elizabeth Guerrero
2818 Cherry Tree Way
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #623
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #129



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	<u>\$ 16.50</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	_____	PAGES	<u>\$ _____</u>	<u>\$ _____</u>
PUBLIC HEARING:	<u>3</u>	PAGES	<u>\$ 16.50</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	_____	PAGES	<u>\$ _____</u>	<u>\$ _____</u>

LEGAL AD: Publish Date: 6-10-05 \$ 46.75

TOTAL:	<u>\$ 79.75</u>	<u>\$ 70.00</u>
--------	-----------------	-----------------



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 149.75

AMOUNT DUE: \$ _____

REFUND DUE: \$ 150.25

Cc:

L.R. 8-24-05

Town of New Windsor
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-12

Request of EDUARDO GUERRERO

for a VARIANCE of the Zoning Local Law to Permit:

Request for 5 ft. Rear Yard Setback (300-24) for proposed in-ground pool at 2818 Cherry Tree Way in an R-3 Zone (77-1-20)

PUBLIC HEARING will take place on JUNE 27, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

Ad Number: 1766838 Advertiser: NEW WINDSOR, TOWN OF

Phone: 8455634611 Sys No: 854 Caller: NEW WINDSOR, TOWN OF

INVOICING CUSTOMER:

Phone: 8455634611 Sys No: 854 AcctNo: 5642 P.O. No:

Name: NEW WINDSOR, TOWN OF Subscriber:

Address: TOWN CLERK

TOWN HALL, 555 UNION AVE

NEW WINDSOR NY 12553

ORDER:

Printed By: THIRGALEWSK Date: 06/08/2005 Assigned Sales: TownofNewWindsor ZONINGBOARDOFAPPEALS P AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THM Paper: IN Class: 999X; LEGAL BILLING

Schedule: Start Date - 06/10/2005 End Date - 06/10/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPEA

PRODUCTION:

Text Size: 2 x 25.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tensheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 46.75 Payment Method: B1 Amount Paid: 0 Amount Owed: 46.75

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Patricia Foddrill

Being duly sworn deposes and says that the
ORANGE COUNTY PUBLICATIONS Division
of Ottaway Newspapers-Radio, Inc. is a corporation
organized under the laws of the State of New York
and is, at all the times hereinafter mentioned,
was the printer and publisher of The Times Herald-Record,
a daily newspaper distributed in the
Orange, Ulster, Rockland, Dutchess, Pike, PA,
Delaware and Sullivan Counties, published in
the English language in the City of Middletown,
County of Orange, State of New York, that deponent
is the

Legal Advertising Rep.

of said The Times Herald-Record acquainted with
the facts hereinafter stated, and duly authorized by
said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is hereunto annexed,
has been duly and regularly published in the manner
required by law in said The Times Herald-Record in
each of its issues published upon each of the
following dates, to wit: In its issues of

6/10/05

Signature of Representative:

Sworn in before me this 14

Day of June 2005

Carol M. Montana
Notary Public, Orange County

CAROL M. MONTANA
Notary Public, State of New York
Sullivan County Clerk's #2041
Commission Expires Dec. 12, 20 06

PUBLIC HEARINGS:

EDUARDO GUERRERO (05-32)

MR. KANE: Request for 5 ft. rear yard setback for proposed in-ground pool at 2818 Cherry Tree Way.

Mr. and Mrs. Guerrero appeared before the board for this proposal.

MR. KANE: Same as in the preliminary, tell us what you want to do.

MR. GUERRERO: I'm requesting five foot square foot for the pool to make an inground pool.

MR. KANE: What size pool are you putting in, sir?

MRS. GUERRERO: 16 x 32.

MR. KANE: Cutting down any trees, removing substantial vegetation with the building of the pool?

MR. GUERRERO: No.

MR. KANE: Creating any water hazards or runoffs with the building of the pool?

MR. GUERRERO: No.

MR. KANE: Is it going to include fencing of the pool?

MR. GUERRERO: Yes.

MR. KANE: Similar in size to other pools that are in your neighborhood?

MR. GUERRERO: Yes, they have some pools, yes.

MR. KANE: Going through any easements, are you on town

water and sewer?

MR. REIS: Yes.

MR. GUERRERO: Yes.

MR. KANE: So there's no easements in the area where you're going to be putting the pool?

MR. GUERRERO: No.

MR. KANE: Anybody else have any questions at the moment?

MS. GANN: No.

MR. KANE: At this point, I will open it up to the public, ask if anybody's in the audience for this particular hearing. Seeing as it's not, we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On June 8, I mailed out 56 envelopes and had no response.

MR. KANE: Fifty-six and nobody cares.

MR. KANE: Any other questions? I'll accept a motion.

MS. GANN: I will offer a motion that we grant Eduardo Guerrero his request for the five foot rear yard setback for his pool, his inground pool at 2818 Cherry Tree Way in an R-3 zone.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE

June 27, 2005

23

MR. BROWN
MR. REIS
MR. KANE

AYE
AYE
AYE



RESULTS OF Z.B.A. MEETING OF: June 27, 2005

PROJECT: Eduardo Guerrero ZBA # 05-12

P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) G S) L VOTE: A 5 N 0.

GANN A
LOCEY A
BROWN A
~~MCDONALD~~
REIS A
KANE A

CARRIED: Y / N _____.

Pool + fence
No easements

No Public Comment

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X
In the Matter of the Application for Variance of

EDUARDO GUERRERO

**AFFIDAVIT OF
SERVICE
BY MAIL**

#05-12

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 8TH day of JUNE, 2005, I compared the 56 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason

Myra L. Mason, Secretary

8th day of June, 2005

[Signature]
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

April 1, 2005

Eduardo & Elizabeth Guerrero
2818 Cherry Tree Way
New Windsor, NY 12553

Re: 77-1-20 ZBA#: 05-12 (56)

Dear Mr. & Mrs. Guerrero:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wile, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

(Various parcels)
Mt. Airy Estates, Inc
c/o Sarna Enterprises
15 Engle Street – Suite 100
Englewood, NJ 07631

77-1-1
Jeanette Campbell
2633 Liberty Ridge
New Windsor, NY 12553

77-1-5
Annette & Giovanni Flores
2646 Liberty Ridge
New Windsor, NY 12553

77-1-9
Anthony & Kerri Bianchi
2654 Liberty Ridge
New Windsor, NY 12553

77-1-17
Richard & Josephine Romano
2812 Cherry Tree Way
New Windsor, NY 12553

77-1-21
Denis & Jacqueline Allen
2820 Cherry Tree Way
New Windsor, NY 12553

77-1-24
Nerva Jean Pierre
Lude Belony
2826 Cherry Tree Way
New Windsor, NY 12553

77-2-3
Donald & Paulette Easterlin
2821 Cherry Tree Way
New Windsor, NY 12553

77-2-6
Nolan & Madeline Padilla
2815 Cherry Tree Way
New Windsor, NY 12553

77-2-9
Antonio & Maria Tommasi
2809 Cherry Tree Way
New Windsor, NY 12553

64-2-27
Agustin & Milagros Dorego
2651 Liberty Ridge
New Windsor, NY 12553

77-1-3
Edward Venezia, II
Nadia Godbout
2642 Liberty Ridge
New Windsor, NY 12553

77-1-6
Yury Matuska
2648 Liberty Ridge
New Windsor, NY 12553

77-1-15
Brian & Maria Lewis
2808 Cherry Tree Way
New Windsor, NY 12553

77-1-18
Donald & Karlene Mitchell
2814 Cherry Tree Way
New Windsor, NY 12553

77-1-22
James Wallace
Stacey Miller
2822 Cherry Tree Way
New Windsor, NY 12553

77-2-1
Jose Antonio & Sandra Marin
2825 Cherry Tree Way
New Windsor, NY 12553

77-2-4
Benedetto & Kelly Allegra
2819 Cherry Tree Way
New Windsor, NY 12553

77-2-7
Carmelo & Lydia Taverna
2813 Cherry Tree Way
New Windsor, NY 12553

77-2-10
Matthew & Cheri Elliott
2807 Cherry Tree Way
New Windsor, NY 12553

64-2-30
Timmy Vazquez
Carla Diaz Vazquez
2654 Liberty Ridge
New Windsor, NY 12553

77-1-4
Jodi Boffa & Brian Breheny
2644 Liberty Ridge
New Windsor, NY 12553

77-1-7
Shawn Carter
Ebony Johnson Carter
2650 Liberty Ridge
New Windsor, NY 12553

77-1-16
Junior Gonsalves
2810 Cherry Tree Way
New Windsor, NY 12553

77-1-19
Donald & Kathleen Dematteo
2816 Cherry Tree Way
New Windsor, NY 12553

77-1-23
Mark & Tina Goldenberg
2824 Cherry Tree Way
New Windsor, NY 12553

77-2-2
Richard & Laura Smacchia
2823 Cherry Tree Way
New Windsor, NY 12553

77-2-5
John & Eva Lee
2817 Cherry Tree Way
New Windsor, NY 12553

77-2-8
Daniel & Lydia Bonilla
2811 Cherry Tree Way
New Windsor, NY 12553

77-2-18
Laverne Bey
2710 Colonial Drive
New Windsor, NY 12553

77-2-19
Mark & Patricia Mayberry
2712 Colonial Drive
New Windsor, NY 12553

77-2-22
Brian & Carole McCue
2718 Colonial Drive
New Windsor, NY 12553

77-2-25
Dion & Joan Edwards
2724 Colonial Drive
New Windsor, NY 12553

77-6-1
Patrick McNamara
Cecilia Miro
2727 Colonial Drive
New Windsor, NY 12553

77-6-4
Joseph & Jodi Anonacci
2721 Colonial Drive
New Windsor, NY 12553

77-6-7
Harvey Mathis
Lydia Alvarez
2715 Colonial Drive
New Windsor, NY 12553

77-6-21
Francisco Soto, Jr.
Cynthia Diaz
2614 Liberty Ridge
New Windsor, NY 12553

77-6-24
Irina Simknovich
2620 Liberty Ridge
New Windsor, NY 12553

77-6-27
Charles Grady
Emily (UX) Smith
2626 Liberty Ridge
New Windsor, NY 12553

77-2-20
John & Nicole White
2714 Colonial Drive
New Windsor, NY 12553

77-2-23
Emmanuel & Anelyn Suazo
2720 Colonial Drive
New Windsor, NY 12553

77-2-26
Robert & Zoraida Marquez
2726 Colonial Drive
New Windsor, NY 12553

77-6-2
Rudolph Trocard
2725 Colonial Drive
New Windsor, NY 12553

77-6-5
Barry & Joanne Washington
2719 Colonial Drive
New Windsor, NY 12553

77-6-8
Michael & Michelle Thomas
2713 Colonial Drive
New Windsor, NY 12553

77-6-22
Jeri & Cheryl Kocik
2616 Liberty Ridge
New Windsor, NY 12553

77-6-25
Joseph & Victoria Pecoraro
2622 Liberty Ridge
New Windsor, NY 12553

77-6-28
Arjun Singh
2628 Liberty Ridge
New Windsor, NY 12553

77-2-21
James Hoskin
Kathryn Brown
2716 Colonial Drive
New Windsor, NY 12553

77-2-24
Craig & Valerie Barnes
2722 Colonial Drive
New Windsor, NY 12553

77-2-27
Maria Pippi
David Layne
2728 Colonial Drive
New Windsor, NY 12553

77-6-3
Elliot Gaztambide, Jr.
Jennifer Rivera Gaztambide
2723 Colonial Drive
New Windsor, NY 12553

77-6-6
Brian & Dianna McLean
2717 Colonial Drive
New Windsor, NY 12553

77-6-9
James Porter
Leo Carmelle Mathelier
2711 Colonial Drive
New Windsor, NY 12553

77-6-23
Edward & Regina Davis
2618 Liberty Ridge
New Windsor, NY 12553

77-6-26
Mark Monte
Jocelyn Pacatang
2624 Liberty Ridge
New Windsor, NY 12553

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

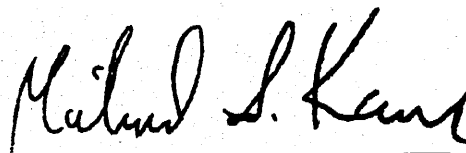
Appeal No. 05-12

Request of EDUARDO GUERRERO

for a VARIANCE of the Zoning Local Law to Permit:

Request for 5 ft. Rear Yard Setback (300-24) for proposed in-ground pool at 2818 Cherry Tree Way in an R-3 Zone (77-1-20)

PUBLIC HEARING will take place on JUNE 27, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.

A handwritten signature in black ink, appearing to read "Michael S. Kane", is written over a horizontal line.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

June 8, 2005

Eduardo & Elizabeth Guerrero
2818 Cherry Tree Way
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-12

Dear Mr. Guerrero:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

2818 Cherry Tree Way
New Windsor, NY 12553

is scheduled for the JUNE 22, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#266-2005

03/28/2005

Guerrero, Eduardo

Received \$ 50.00 for Zoning Board Fees, on 03/28/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA # 05-12
application fee

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-28-2005

FOR: 05-12 ESCROW

FROM:


EDUARDO & ELIZABETH GUERRERO
2818 CHERRY TREE WAY
NEW WINDSOR, NY 12553

CHECK NUMBER: 129

TELEPHONE: 567-1448

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

 3/28/05
NAME DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF Z.B.A. MEETING OF: March 8, 2005

PROJECT: EdUARdo Guerrero ZBA # 05-12

ZBA# 05-12

P.B.#

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N

GANN _____
LOCEY _____
RIVERA _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y N

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN
LOCEY
RIVERA
MCDONALD
REIS
KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

GANN
LOCEY
RIVERA
MCDONALD
REIS
KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

GANN
LOCEY
RIVERA
MCDONALD
REIS
KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Rs S) M VOTE: A 5 N 0

GANN	A
LOCEY	A
REIS	
MCDONALD	A
REIS	A
KANE	A

CARRIED: Y N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)___ S)___ **VOTE:** A___ N___.

~~GANN~~
~~LOVEY~~
~~KOOPER~~
~~MCDONALD~~
REIS
KANE

CARRIED: Y_____N_____.

This is a scan of a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

March 23, 2005

Mr. & Mrs. Eduardo Guerrero
2818 Cherry Tree Way
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-12

Dear Mr. & Mrs. Guerrero:

This letter is to inform you that you have been placed on the March 28, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

2818 Cherry Tree Way
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

REQUEST FOR NOTIFICATION LIST

PROJECT NUMBER: ZBA# 05-12 P.B. # _____

PERSON TO NOTIFY TO PICK UP LIST:

EDUARDO & ELIZABETH GUERRERO
2818 CHERRY TREE WAY
NEW WINDSOR, NY

TAX MAP NUMBER: SEC. 77 BLOCK 1 LOT 20
SEC. BLOCK LOT
SEC. B LOCK LOT

PROPERTY LOCATION: **2818 CHERRY TREE WAY**
NEW WINDSOR, NY

NEW WINDSOR PLANNING BOARD: _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET)

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT)

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

TOTAL CHARGES:

05-12



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

**** MUST READ AND SIGN ****

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).

Edward Breuer

 SIGNATURE

09-27-04

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAYS OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

Haydee Brea
 HAYDEE BREA
 Notary Public, State of New York
 No. 06-4798856
 Qualified in Westchester County
 Commission Expires Sept. 30, 2005

PAGE 2

COMPLETE THIS PAGE ☐



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

SEPTEMBER, 27/04
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 567-1448
EDUARDO + ELIZABETH GUERRERO Fax Number: ()
(Name)
2818 CHERRY TREE WAY NEW WINDSOR, NY 12553
(Address)

II. **Applicant:** Phone Number: (845) 567-1448
EDUARDO + ELIZABETH GUERRERO Fax Number: ()
(Name)
2818 CHERRY TREE WAY NEW WINDSOR NY, 12553
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Fax Number: ()
(Name)
same as above
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 569-4622
Fax Number: (845) 569-0946
George Fotiadis
(Name)
27 Jay Street, New Windsor, NY 12553
(Address)

V. **Property Information:** New Windsor, NY 12553
Zone: R-3 Property Address in Question: 2818 CHERRY TREE WAY
Lot Size: _____ Tax Map Number: Section 77 Block 1 Lot 20
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? Yes
c. When was property purchased by present owner? APRIL, 14 - 2004
d. Has property been subdivided previously? _____ If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	10ft	5ft	5ft
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

A 5 FT VARIANCE IS REQUESTED SO-
THAT WE MAY HAVE AN POOL INSTALLED BEHIND OUR
HOME. WE FEEL THIS WILL ADD TO THE STHETICS
OF THE COMMUNITY AS WELL THE OVERALL FAMILY VALUE

SINCERELY.

R. G. GUERRERO

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 500.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 150.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)

☒ **Photographs of existing premises from several angles. ~~IF~~ SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT THREE SETS OF THE PHOTOS.** **Form (4)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

14 day of April 2005

Edward G. Gorman
Owner's Signature (Notarized)

Owner's Name (Please Print)

HAYDEE BREA
Notary Public, State of New York
No. 06-4798856
Qualified in Westchester County
Certificate Filed in Bronx County
Commission Expires Sept. 30, 2006

Signature and Stamp of Notary

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐